

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TAKEDA PHARMACEUTICAL COMPANY  
LIMITED, TAKEDA AMERICAS HOLDINGS,  
INC., TAKEDA PHARMACEUTICALS U.S.A.,  
INC., and TAKEDA DEVELOPMENT  
CENTER AMERICAS, INC.,

Plaintiffs,

v.

CAREMARK RX, LLC,

Defendant.

Miscellaneous Case No. 2:23-mc-111

Underlying Action pending in the United  
States District Court for the Southern District  
of New York, *In re Actos Antitrust Litig.*  
(Coordinated Actions), Case No. 1:13-cv-  
09244-RA-SDA

**TAKEDA’S MOTION TO COMPEL CAREMARK RX, LLC TO COMPLY  
WITH ITS RULE 45 SUBPOENA DUCES TECUM**

Pursuant to Federal Rule of Civil Procedure 45, Takeda Pharmaceutical Company Limited, Takeda Americas Holdings, Inc., Takeda Pharmaceuticals U.S.A., Inc., and Takeda Development Center Americas, Inc. (collectively, “Takeda”), defendants in *In re Actos Antitrust Litig.* (Coordinated Actions), No. 1:13-cv-09244-RA-SDA (the “Actions”), hereby moves the Court to compel Caremark Rx, LLC (“Caremark”) to produce documents in response to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action dated March 29, 2022 properly served upon it on March 30, 2022 (the “Subpoena”).

As more fully set forth in the accompanying Memorandum of Law, Exhibits, and the Declaration of Rachel J. Rodriguez, the Court should compel Caremark to produce documents in response to the Subpoena because such documents are relevant to the Actions, and Caremark has neither not served objections to producing the subpoenaed materials nor produced a single

document in the more than fifteen months since the Subpoena was served. Instead, Caremark's counsel has been non-responsive and refuses to communicate with Takeda's counsel.

Dated: July 26, 2023

LAW OFFICES OF STUART J. GUBER

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Company Limited, Takeda Americas Holdings,  
Inc., Takeda Pharmaceuticals U.S.A. Inc., and  
Takeda Development Center Americas, Inc.*

**Certificate of Service**

I certify that on July 26, 2023, I caused a copy of the foregoing motion and attachments to be served on counsel for Caremark Rx, LLC.

/s/ \_\_\_\_\_